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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,804	01/21/2005	Jacobus A Rozendaal	SFM-0001-US	3801

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EXAMINER

MCGOWAN, JAMIE LOUISE

ART UNIT	PAPER NUMBER
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3671

NOTIFICATION DATE	DELIVERY MODE
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02/03/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/521,804	Applicant(s) ROZENDAAL ET AL.	
	Examiner JAMIE L. MCGOWAN	Art Unit 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 51-59, 71, 72, 74 and 76-83 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 51-59, 71, 72, 74, 76-83 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 51-53, 59, 72, 74, 76-79, 81 and 83 are rejected under 35 U.S.C. 102(b) as being anticipated by Bourgault (6,216,616) (previously cited).

Regarding claim 51, Bourgault discloses a conservation tillage implement comprising:

- A cultivator frame (7)
- A plurality of individual coulter wheel assemblies (2,3)
- A mounting means (23) corresponding to each individual coulter wheel assembly
- Four or more longitudinally spaced apart rows of laterally spaced apart individual coulter wheel assemblies, each coulter wheel assembly individually mounted to the frame using the mounting means, wherein a coulter wheel assembly in a given row is staggered with respect to the coulter wheel assemblies in a longitudinally adjacent row (Figure 3)

Regarding claim 52, each coulter wheel assembly is laterally adjustable (by adjustment of element 23).

Regarding claim 53, each coulter wheel assembly comprises a coulter wheel and a corresponding spring element (22).

Regarding claim 59, the implement further comprises removable individual field working tools (24).

Regarding claim 72, the frame comprises three or more longitudinally spaced apart transverse cross members (7).

Regarding claim 74, the coulter wheel assemblies are mounted to the transverse cross members.

Regarding claim 76, the implement further comprises removable individual field working tools (24) and wherein the individual coulter wheel assemblies in a given row are staggered with respect to all coulter wheel assemblies and field working tools in longitudinally adjacent rows of the implement.

Regarding claim 77, there are a plurality of transverse cross members for a given row (Figure 3).

Regarding claim 78, the plurality of transverse cross members are aligned along a common transverse axis.

Regarding claim 79, the implement is able to operate at shallow depths of less than 4-6" for seedbed preparation (column 5 line 66 through column 6 line 3 - the hydraulics would allow the operator to set the depth at any desired position).

Regarding claim 81, the lateral spacing between adjacent coulter wheel assemblies is adjustable by a farmer (via adjustment of element 23).

Regarding claim 83, the implement is able to operate at shallow depths of as little as 1" for seedbed preparation (column 5 line 66 through column 6 line 3 - the hydraulics would allow the operator to set the depth at any desired position).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 54, 55, 71, 80, 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bourgault (6,216,616) (previously cited) as applied to claim 51 and 53 above, and further in view of McIlhargey (6,412,571) (previously cited).

While Bourgault discloses the invention as described above, it fails to disclose that the coulter discs are mounted via a spring element that allows for upward deflection in the event that the disc encounters an obstacle. Like Bourgault, McIlhargey also discloses a coulter disc assembly. Unlike Bourgault, McIlhargey discloses that coulter discs can be mounted via a spring that allows for upward deflection. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the spring mounting structure of McIlhargey in the device of Bourgault to allow for the upward deflection of the coulter discs when an obstacle is encountered to prevent damage to the discs during operation.

Regarding claim 80, the combination discloses that the spring element has a horizontal spring axis about which the coulter wheel arcuately deflects in response to impact with an obstacle.

Regarding claim 54, the combination discloses that the spring element comprises a coil spring having upper and lower shank ends extending tangentially therefrom.

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Regarding claims 55, 71 and 82, the combination discloses that the lower shank end of each spring is permitted to deflect upwardly about the horizontal spring axis in response to impact with an obstacle.

5. Claims 56-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bourgault (6,216,616) (previously cited) as applied to claim 51 above, and further in view of Rawson (5,462,124) (previously cited).

Regarding claims 56-58, Bourgault disclose the invention as described above but fails to disclose that the coulter wheel assemblies can pivot around a vertical axis. Like Bourgault, Rawson also discloses a coulter wheel assembly. Unlike Bourgault, Rawson further discloses that the coulter wheel assemblies can pivot about a vertical axis through the use of a vertically extending hollow strut (42) having a pair of opposed horizontal slots (43) therethrough and a shank with a horizontal hole, wherein the shank (31) is secured within the hollow strut (42) by means of a horizontal pin (44) extending through the slots (43) and the hole, thereby permitting rotational movement of the shank (31) within the hollow strut about the vertical axis (See Figure 5 for pin (44) extending all the way through hollow strut (42) and shank (31)). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the pivoting structure of Rawson in the device of Bourgault to allow the coulter wheel assembly to pivot to prevent breakage and avoid damage in the event that an obstacle is encountered while working the field.

Response to Amendment

6. The affidavit filed on 3/4/08 under 37 CFR 1.131 has been considered but is ineffective to overcome the Bourgault reference. The affidavit is directed at the combination of Dietrich, Jr. et al. in view of McFarlane. This rejection has been withdrawn. As such, the affidavit has been considered but it is no longer relevant to the current rejection.

Response to Arguments

7. Applicant's arguments with respect to claims 51-59, 71, 72, 74 and 76-83 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMIE L. MCGOWAN whose telephone number is (571)272-5064. The examiner can normally be reached on Monday through Friday 8:00 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on (571)272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thomas B Will/
Supervisory Patent Examiner
Art Unit 3671

JLM
January 28, 2009